

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

C.C., as Parent and Legal Guardian of JANE
DOE, a Minor,

Plaintiff,

v

MARCELLUS COMMUNITY SCHOOLS,
MARCELLUS COMMUNITY SCHOOLS
BOARD OF EDUCATION, and individuals
NANETTE PAULEY, MELINDA BOHAN,
SARAH BISCHOFF, TAMMY CURTIS,
HENRY ESSEX and ROBERT DIETZEL,
In their individual capacities,

Defendants.

CASE NO. 1:23-cv-00255

HON. PAUL L. MALONEY

Robert Dietzel's Fed. R. Civ. P. 12(c) Motion for Judgment on the Pleadings

NOW COMES Defendant Robert Dietzel ("Mr. Dietzel"), by and through his attorneys, SMITH HAUGHEY RICE & ROEGGE, and for his Fed. R. Civ. P. 12(c) Motion for Judgment on the Pleadings relies on the arguments and authorities contained in his attached supporting Brief, and states:

1. Plaintiff claims that Mr. Dietzel – following his appointment as a Title IX investigator in connection with the investigation she criticizes in this suit – breached a duty to her in tort sufficient to give rise to a negligence claim. But the law is clear: the investigator appointed to conduct a Title IX investigation does not owe a common law duty to the subject of the investigation sufficient to give rise to a tort claim.

2. Plaintiff cannot establish the existence of a legal duty, an elemental prerequisite to her remaining claim. Taking her pleadings as true for purposes of this Motion, her negligence claim against Mr. Dietzel fails as a matter of law. It should be dismissed pursuant to Fed. R. Civ. P. 12(c).

3. Mr. Dietzel relies on the arguments and authorities contained in his attached Supporting

Brief.

WHEREFORE, Mr. Dietzel respectfully requests this Honorable Court grant this Motion, issue an Order dismissing Plaintiff's claims against him pursuant to Fed. R. Civ. P. 12(c), and grant any other relief deemed appropriate under the circumstances.

Date: May 10, 2024

By: /s/ Mark A. Gilchrist

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